IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 30219 of 2000(V)

PETITIONER:

SHINE STAR OXIDES AND PAINTS PVT. LTD.,
23/1780, PANNIYANKARA, KALLAI.P.O.,
CALICUT, REP. BY MANAGING DIRECTOR,
P.D. THOMAS.

BY ADV. SRI.P.SANTHALINGAM,
SMT.K.R.BINDI,
SRI.R.SATISH KUMAR.

RESPONDENTS:
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1. **COMMISSIONER OF CENTRAL EXCISE AND CUSTOMS, COCHIN-II, COMMISSIONERATE C.R BUILDING, MANACHIRA, CALICUT-1.**

2. **CUSTOMS EXCISE AND GOLD (CONTROL) APPELLATE TRIBUNAL, SASTRIBHAVAN, HADDOWS ROAD, CHENNAI-6.**

3. **UNION OF INDIA, REP. BY SECRETARY TO GOVT., MINISTRY OF FINANCE, NEW DELHI.**

BY SRI.P.PARAMESWARAN NAIR, A.S.G.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 51208/2000 IN O.P. NO. 30219/2000

DISMISSED

20/06/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER NO. 1/2000 (C.NO.V/32/15/06/97-CX.ADJ.S1.NO.57/97-C II) DTD. 13/01/2000 ISSUED BY THE R.1. TO THE PETITIONER.

EXT.P.2: COPY OF THE STAY ORDER NO. 590/2000 DTD. 18/07/2000 BEFORE THE R.2.

EXT.P.3: COPY OF THE MISCELLANEOUS ORDER NO. 395/2000 DTD. 25/08/2000 BEFORE THE R.2.

EXT.P.4: COPY OF THE LETTER NO. C/153/00-01 DTD. 19/08/2000 ISSUED BY THE MANAGER, SOUTH INDIAN BANK LTD., KOZHIKODE TO THE PETITIONER.

EXT.P.4.A: COPY OF THE LETTER NO. G.186:00-01 DTD. 06/10/2000 ISSUED BY THE MANAGER SOUTH INDIAN BANK LTD. KOZHIKODE TO THE PETITIONER.

EXT.P.5: COPY OF THE RELEVANT EXTRACT OF THE AUDITED BALANCE SHEET OF THE COMPANY DTD. 17/07/2000.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

O.P. NO.30219 OF 2000

Dated 20th June, 2007.

J U D G M E N T

The writ petition is filed praying for a direction to the second respondent to dispose of the appeal filed by the petitioner without insisting for pre-deposit. It is seen that there is an interim order of stay for the last seven years, in C.M.P.No.51208/2000. There is no appearance for the respondents. In the above circumstances, there will be a direction to the second respondent to consider the appeal filed by the petitioner, with notice to the petitioner and pass appropriate orders thereon in accordance with law, if not already passed, without insisting for the pre-deposit, within four months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO.30219 OF 2000 (V)

J U D G M E N T

Dated 20th June, 2007.